

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALLANNA WARREN,

Plaintiff,

v.

SOUTHWEST GAS, et al.,

Defendants.

Case No. 2:23-cv-02105-JAD-NJK

**REPORT AND RECOMMENDATION**

Plaintiff's complaint asserts that federal question jurisdiction exists because the claims arise under 42. U.S.C. § 1983 and various federal criminal statutes. Docket No. 1-1 at 3. However, Plaintiff does not allege that either Defendant was acting under color of state law. Docket No. 1-1 at 5. Further, the federal criminal statutes afford no private right of action. *See* Docket No. 3 at 2.

As a result, the Court issued an order for Plaintiff to show cause why this case should not be dismissed for lack of subject matter jurisdiction. Docket No. 3. Though the time for doing so has passed, Plaintiff has failed to file any response to the Court's order to show cause. The Court's Order to Show Cause warned Plaintiff that "**Failure to comply with this order may result in dismissal of this case.**" Docket No. 3 at 2.

Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED without prejudice** for lack of subject matter jurisdiction.

Dated: August 22, 2024

  
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Nancy J. Koppe  
United States Magistrate Judge

**NOTICE**

This report and recommendation is submitted to the United States District Judge assigned to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and recommendation must file a written objection supported by points and authorities within fourteen

1 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file  
2 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951  
3 F.2d 1153, 1157 (9th Cir. 1991).